

REMARKS

The Examiner is thanked for the Office Action of July 13, 2006. Claims 1-7 and 11-12 are now pending in the application and claims 8-10 were cancelled in a previous amendment, and the Applicant reserved the right to pursue claims 8-10 in a continuing Application. Claims 1-7 and 11-12 were rejected under 35 USC §103 as unpatentable over Porcelli (WO98/51022) in view of Cellier (6,327,523). Claims 1, 5 and 11 have been amended to better reflect the invention, including the feature of orbits being virtually geosynchronous, which is clearly detailed in the specification. Claim 2 has been amended to correspond to be consistent with the amended features of claim 1. For the reasons stated below, and the amendments above, the Applicant believes that the Examiner's rejection has been fully addressed and the claims are in condition for allowance.

§103 Rejection

Claims 1-7 and 11-13 as amended include features of the invention which include "virtually geosynchronous" orbits. The Examiner has respectfully cited art which includes geo-stationary orbits, which teaches away from the claimed invention as amended.

Claim 1 has been amended to include, *inter alia*, one aspect of the "virtually geosynchronous" orbit:

"wherein a first portion of said first set of common orbits appears to geosynchronous to earth, and a second portion of said first set of common orbits does not appear to be geosynchronous to earth..."

The cited art does not teach or suggest such a feature as Porcelli and Celier "teach a satellite system in **geo-stationary**, inclined, elliptical orbits." see ¶1 of the Office Action of 7/13/06.

As claims 2-4, and 6-7 are dependent on claim 1, we believe that the features as recited in the dependent claims are allowable as well.

Claim 5 has been amended to include the limitation "wherein at least one of said orbits of said all three sub-constellations are virtually geosynchronous for only a portion of each of said respective orbits and all three orbits are distinguished from each other."

Once again, Porcelli and Cellier do not teach or suggest the "virtually geosynchronous" orbit. Claim 5 requires only one of the three orbits to be "virtually geosynchronous."

Claim 11 has been amended to include the limitation: "wherein said active predetermined portion is during a period wherein a first portion of said respective orbits appear to be virtually geosynchronous with earth, and wherein a second portion of said respective orbits do not appear to be virtual geosynchronous with each."


This limitation reflects another aspect of the virtually geosynchronous orbit of claimed invention that is not taught or suggested by the art cited by the Examiner.

Thus, it is believed that claims 1-7 and 11-13 are allowable over the cited art.

CONCLUSION

Applicant believes that the amendments presented and arguments asserted herein place all of the pending claims 1-7 and 11-13 in condition for allowance. Should the Examiner believe that a telephonic or in-person conference would expedite prosecution of this application, he is invited to contact Applicant's counsel at the numbers listed below.

Respectfully submitted,
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